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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,172	06/04/2007	Stefan Geoffrey Butlin	051033	1928
23596 7590 11/27/2009 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER VU, THANH T				
ART UNIT 2175		PAPER NUMBER		
NOTIFICATION DATE 11/27/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

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### Office Action Summary

**Application No.**

10/598,172

**Applicant(s)**

BUTLIN ET AL.

**Examiner**

THANH T. VU

**Art Unit**

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is responsive to Amendment, filed 08/01/2009.

Claims 1-20 are pending in this application. In the Amendment, claims 19 and 20 were added, and claim 1, 2, and 9 were amended. This action is made Final.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muschetto (US 6,850,255) and Kanevsky (US 6,300,947).

Per claim 1, Muschetto teaches a method of generating a user interface for a device, the method comprising the steps of:

(a) generating a plurality of sets of user interface elements, each of the plurality of sets of user interface elements comprising one or more user interface elements, wherein the or each user interface element is associated with a defined region of the user interface (fig. 2);

(b) ordering each of the plurality of sets of user interface elements into an sequence (fig. 17 and 18; col. 6, lines 41-62; col. 7, lines 1-21);

(c) querying each of the plurality of sets of user interface elements to select a plurality of user interface elements for use in the user interface, the sets being queried in accordance with the ordering performed in step (b), wherein if more than one user interface element is associated with the same region of the user interface then the selected user interface element is taken from

the set of elements which occurs first within the sequence determined in step (b) (figs. 3 and 4; ; and col. 13, lines 61-col. 14, lines 5;)

(d) rendering the user interface in accordance with the plurality of user interface elements selected in step (c) (figs. 3 and 4).

Although Muschetto teaches order each of the plurality of set of user interface elements into an sequence as described above, Muschetto does not specifically teach teaches order each of the plurality of set of user interface elements into an sequence within an archive files. However, Kanevsky teaches order each of the plurality of set of user interface elements into a sequence within an archive files (Fig. 1; col. 3, lines 20-52; col. 9, lines 30-45; col. 10, line 52—col. 11, line 12; which show arrangements user interface elements within a web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Kanevsky in the invention of Muschetto in order to provide organization of viewing material associated with web sites.

Per claim 2, Muschetto teaches a method according to claim 1, wherein a first user interface element selected in step (c) and rendered in step (d) can be removed from the rendered user interface by i) inserting a further user interface element into a set of user interface elements such that in step (b) the set of user interface elements that comprises the further user interface element is ordered before the set of user interface elements that comprises the first user interface element; ii) wherein the further user interface element is associated with the same user interface region as the first user interface element (figs. 4 and 5; col. 14, lines 54-67).

Per claim 3, Muschetto teaches a method according to claim 1, wherein a first user interface element selected in step (c) and rendered in step (d) can be removed from the rendered

user interface by i) inserting a further set of user interface elements into the ordered sequence determined in step (b) such that the further set of user interface elements is ordered before the set of user interface elements that comprises the first user interface element; ii) the further set of user interface elements comprising a further user interface element which is associated with the same user interface region as the first user interface element (figs. 4 and 5; col. 14, lines 54-67).

Per claim 4, Muschetto teaches a method according to claim 1, wherein one or more user interface elements are added to the UI, the method further comprising the step of inserting one or more user interface elements into one or more of the plurality of sets of user interface elements (figs. 4-5; col. 14, lines 54-67).

Per claim 5, Muschetto teaches a method according to claim 1, wherein one or more user interface elements are added to the UI, the method further comprising the step of generating one or more further sets of user interface elements, the or each further set comprising one or more user interface elements (figs. 4 and 5; col. 14, lines 54-67).

Per claim 6, Muschetto teaches a method according to any preceding claim, wherein one or more of the plurality of sets of user interface elements are associated with an application that can be activated through the user interface (figs. 4 and 5; col. 14, lines 54-67).

Per claim 7, Muschetto teaches a method according to any preceding claim, wherein one or more of the plurality of sets of user interface elements are associated with the manufacturer of the device (figs. 2-10; col. 2, lines 25-50; col. 3, lines 14-46).

Per claim 8, Muschetto teaches a method according to any preceding claim, wherein one or more of the plurality of sets of user interface elements are associated with a user of the device (figs. 2-10).

Claims 9-16 are rejected under the same rationale as claims 1-8 respectively.

Per claim 17, Muschetto teaches a device according to any of claims 9 to 16, wherein the device further comprises one or more wireless communication interfaces for communication with a wireless communications network, and one or more of the plurality of sets of user interface elements are associated with an operator of a wireless communications network (col. 2, lines 52-55).

Per claim 18, Muschetto teaches a data carrier comprising computer executable code for performing the method of any of claims 1 to 8 (fig. 1).

Claims 19 and 20 individually is rejected under the same rationale as claim 1.

#### ***Response to Arguments***

Applicant's arguments with respect to the amendment have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/  
Primary Examiner, Art Unit 2175